

APPEAL HEARING MINUTES

1. Kind of meeting: Appeal Hearings

2. Date: May 3, 2016 **Place:** Hearings Room

3. Present: Jeff Painter, Christopher Curtis, Henry Marsh, SAAG Kristina Alexander, Pam Boggs, Travis Hill, Melissa Custis & Kristie Miles

- 2:05 p.m. - Hearing was called to order
- Pursuant to Section 2.2604 of the Code of Virginia, Chairman Jeffrey Painter designated Deputy Secretary to the Board Chris Curtis, to hear appeal cases today in the absence of Judith Napier.
 - 7 Eleven Store 2581 16385 A – Burhan Aftab
 - Shenandoah Restaurant – David B. Albo, Esq.
 - King Pinz – T. Wayne Biggs, Esq.

2:50 p.m. - Approved and Adopted Board Orders for Board Minutes for February 2016; J. Painter motioned, H. Marsh, seconded and the vote passed unanimously.

- 2:50 p.m. - Closed session - With no further cases J. Painter moved that the Board enter closed session pursuant to 2.2-3711(A)(7) to receive advice from counsel; 2nd- H. Marsh - the Board unanimously (Painter, C. Curtis, Marsh) voted to go into closed session Attendance at closed session was J. Painter, C. Curtis, H. Marsh, T. Hill, SAAG K. Alexander, and P. Boggs.
- 3:50 p.m. - J. Painter made a motion to return to open session, C. Curtis- 2nd and the Board voted unanimously to go back into open session. The Board then certified by voice vote that nothing was discussed in the closed session but legal matters pursuant to 2.2-3711(A)(7). Vote was unanimous.
 - 7 Eleven Store 2581 16385 A – C. Curtis motioned to accept the offer in compromise made by the licensee for a \$5000.00 civil penalty and no suspension; H. Marsh seconded and the motion was carried.
 - Shenandoah Restaurant – H. Marsh motioned to accept newly presented evidence, J. Painter seconded and the motion was carried. C. Curtis then motioned that Charge 1 against the Wine and Beer/Mixed Beverage Restaurant license will remain as issued by the hearing officer. The privileges of purchasing and selling alcoholic beverages shall be suspended for 10 days; provided, however, that upon payment of \$1000.00 [\$500.00 per license] as a civil penalty, the suspension shall be terminated. That as to Charge 2 against the mixed beverage restaurant license, the privileges of purchasing and selling mixed beverages shall be suspended for 60 days; provided, however, that upon payment of \$2500.00 as a civil penalty, the suspension shall be terminated at the end of 30 days.
The civil penalties are imposed in the aggregate for a total sum of \$3,500.00, and an actual 30-day suspension of the Mixed Beverage Restaurant license shall be served.
 - King Pinz – T. Wayne Biggs, Esq. – Board will vote on this at a later date.
- 3:55 p.m. – Closed session - With no further cases C. Curtis moved that the Board re-enter closed session pursuant to 2.2-3711(A)(7) to receive advice from counsel; 2nd- H. Marsh - the Board unanimously (Painter, C. Curtis, Marsh) voted to go into closed session Attendance at closed session was J. Painter, C. Curtis, H. Marsh, T. Hill, SAAG K. Alexander.
- 4:30 p.m. – With no further business – J. Painter moved to adjourn for the day, H. Marsh - 2nd the vote and the vote was passed unanimously. The Board then certified by voice vote that nothing was discussed in the closed session but legal matters pursuant to 2.2-3711(A)(7). Vote was unanimous.